

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 113

Environment & Natural Resources Committee Substitute Adopted 5/8/89

Short Title: Solid Waste Ordinances.

(Public)

Sponsors:

Referred to:

February 6, 1989

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF COUNTIES AND CITIES TO ADOPT ORDINANCES REGULATING LOCAL SOLID WASTE MANAGEMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S.153A-136 reads as rewritten:

"§ 153A-136. Regulation of solid wastes.

(a) A county may by ordinance regulate the storage, collection, transportation, use, disposal, and other disposition of solid wastes. Such an ordinance may:

- (1) Regulate the activities of persons, firms, and corporations, both public and private.
- (2) Require each person wishing to commercially collect or dispose of solid wastes to secure a license from the county and prohibit any person from commercially collecting or disposing of solid wastes without a license. A fee may be charged for a license.
- (3) Grant a franchise to one or more persons for the exclusive right to commercially collect or dispose of solid wastes within all or a defined portion of the county and prohibit any other person from commercially collecting or disposing of solid wastes in that area. The board of commissioners may set the terms of any franchise, except that no franchise may be granted for a period exceeding seven years, nor may any franchise by its terms impair the authority of the board of commissioners to regulate fees as authorized by this section.

1 (4) Regulate the fees, if any, that may be charged by licensed or
2 franchised persons for collecting or disposing of solid wastes.

3 (4a) Require the source separation of materials from solid waste prior to
4 collection of the solid waste for disposal.

5 (4b) Require participation in a recycling program which has been approved
6 by the board of commissioners.

7 (5) Include any other proper matter.

8 (b) Any ordinance adopted pursuant to this section shall be consistent with and
9 supplementary to any regulations adopted by the Department of Human Resources."

10 Sec. 2. G.S. 160A-192 reads as rewritten:

11 "**§ 160A-192. Regulation of trash and garbage.**

12 (a) ~~A city may by ordinance regulate the disposal of solid wastes within the city,~~
13 ~~and may require the owners or occupants of houses and other buildings to place solid~~
14 ~~waste in specified places or receptacles for the convenience of city collection and~~
15 ~~disposal, and may impose charges for such collection and disposal.~~ A city may by
16 ordinance regulate the collection and disposal of solid waste within the city. An
17 ordinance may:

18 (1) Require the owners or occupants of houses and other buildings to place
19 solid waste in specified places or receptacles for the convenience of
20 city collection and disposal;

21 (2) Impose charges for such collection and disposal;

22 (3) Require the source separation of materials from solid waste prior to
23 collection of the solid waste for disposal.

24 (4) Require participation in a recycling program which has been approved
25 by the governing board.

26 (b) Any two or more cities, counties, sanitary districts, or any combination
27 thereof, are authorized to enter into contracts and agreements for the joint ownership,
28 construction, operation and maintenance of solid waste collection and disposal systems
29 and facilities. In operating such systems and facilities, the participating units may
30 exercise jointly any power that they might exercise individually with respect to solid
31 waste collection and disposal systems and facilities."

32 Sec. 3. This act is effective upon ratification.